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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,008	06/27/2000	Masanari Toda	35.C14575	3951

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EXAMINER

SANBET, ZEBENE T

ART UNIT PAPER NUMBER

2622

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,008

Applicant(s)

TODA, MASANARI

Examiner

Zebene T Sanbet

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 31-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-19 and 21-29 is/are allowed.
- 6) ☒ Claim(s) 10, 20 and 30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 5. 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, corresponding to claim 1-30 is acknowledged. The traversal is on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner. This reason is not found persuasive. The examiner considers it an undue burden to examine two group of the invention within a single application, especially when the time allotted for examining the application remains unchanged. Time is at a premium and the best insurance of a quality examination is a limit of one invention per application. Every effort will be made to see that the same examiner works on any divisional application if ^{filed}~~filed~~. The requirement is still deemed proper and is therefore made FINAL.

Abstract

2. The abstract of the disclosure is objected to because it contains the words, such as "means". Correction is required. See MPEP § 608.01(b).

Drawings

3. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 10, 20, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Shima (6327044).

With Regard to claim 10, Shima discloses first converting means for converting print data into image data (See for example, Fig. 10, items 2, 5a, and 5c), second converting means for converting the print data into code data for allowing a printer to generate the image data (See for example, Fig. 10, items 3a, 5b, and 5g), and selecting means for selecting either said first converting means or said second converting means on a logical page unit basis (See for example, Fig. 10, item 5d).

Claim 20 is rejected the same as claim 10 except claim 10 is a method claim. Thus, argument analogues to that presented above for claim 10 are equally applicable to claim 20.

Claim 30 substantially recites identical features as claim 10, and thus, rejected the same as claim 10. Claim 30 distinguishes from claim 10 only in that it recites a storage medium, which stores a program to perform the function recited in claim 30, Shima (Fig. 10, items 2a, and 3a) teaches this feature.

Allowable Subject Matter

6. Claims 1-9, 11-19, and 21-29 are allowed.

The closest prior art to Shima does not teach or fairly suggest, among other things, predicting step for predicting a printing time using the image data converted by said first converting step and a printing time using the code data converted by the second converting means, and discriminating step for discriminating whether the printing time using the image data is shorter than the printing time using the code data or not on the basis of a prediction result by the predicting step. It is for this reason and in combination with all other element of claims, that claims 1-9, 11-19, and 21-29 are allowed over the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, US Patent Numbers: 5978561, 6014224, and 6249835. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zebene T Sanbet whose telephone number is 703-306-3430. The examiner can normally be reached on 8:30am - 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zebene T Sanbet
Examiner
Art Unit 2622

zs

February 27, 2004


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER